

121203

22855 U.S.PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. D6199D2

Anticipated Classification of this application:

Class: 544 Subclass: 386000

Prior application: Examiner: Ramsuer, R.

Art unit: 1626

22581 U.S.PTO  
10/734919

121203

MS PATENT APPLICATION  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b), of pending prior application Serial No. 10/122,277 filed on April 12, 2002, entitled **Derivatives of Butyric Acid and Uses Thereof**.

1.  Enclosed is a complete copy of the prior application, including the declaration as originally filed.
2.  Small entity status under 37 CFR 1.9 and 1.27(d) was established in the prior application and such status is still proper and desired (37 CFR 1.27(b)).
3.  The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT

<u>For:</u>	<u>No. filed</u>	<u>No. extra</u>
Basic Fee		
Total claims*	20 = <u>41</u>	<u>21</u>
Indep. claims*	3 = <u>8</u>	<u>5</u>

0 Multiple Dependent Claim Presented

<u>Fees for Small Entity</u>		<u>or</u>	<u>Fees for other than a small entity</u>	
<u>Rate</u>	<u>Fee</u>		<u>Rate</u>	<u>Fee</u>
	\$385.00	or		\$ .00
<u>5</u>	x \$43 = <u>\$215.00</u>	or	<u>      </u>	<u>      </u>
<u>21</u>	x \$ 9 = <u>\$189.00</u>	or	<u>      </u>	<u>      </u>
+ \$	= \$ <u>            </u>	or	\$	= \$ <u>            </u>
TOTAL	\$789.00	or	TOTAL	\$ <u>            </u>

4. X The Commissioner is hereby authorized to charge the \$789.00 filing fee or any additional fees required, or credit any overpayment to Deposit Account No. 07-1185..

5. — Cancel in this application original claims \_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

6. X Amend the first paragraph of the specification to say: -- This is a divisional application of USSN 10/122,277 filed on April 12, 2002, which is a divisional of USSN 09/579,602, filed on May 26, 2000, which claims the benefit of priority of USSN 60/136,579, filed May 28, 1999, now abandoned.--

7. — Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of issue fee.)

8. X Figures 1A-1E, 2A-2B, 3, 4A-4C, 5A-5B, 6A-6B, 7, and 8A-8E are enclosed on 12 sheets.

9. — Priority of application serial no. filed on in \_\_\_, is claimed under 35 U.S.C. 119.  
— The certified copy of the priority application has been filed in prior application serial no.

10. a. X With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120, the inventor(s) in this application are:  
X the same

b. X The inventorship for all the claims in the application are:  
X the same  
— not the same, and an explanation, including the ownership of various claims at the time the last claimed invention was made, is submitted.

11. X The prior application is assigned of record to The University of Arkansas for Medical Sciences at Reel/Frame 011061/0564.

12. X The power of attorney in the prior application includes Benjamin Aaron Adler, Ph.D., Registration No. 35,423.

- a. X The power appears in the original papers in the prior application (copy enclosed).
- b.    Since the power does not appear in the original papers, a copy of the Power in the prior application is enclosed.
- c. X Address all future communications to:

Benjamin Aaron Adler, Ph.D., J.D.  
Adler & Associates  
8011 Candle Lane  
Houston, Texas 77071

- 13.    A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in prior application.)
  - a.    A Supplemental Oath [1.67(b)(1)] for new claims is enclosed.
- 14.    The sequence listing is enclosed, including a paper copy, a copy on disk for the computer readable form and a compliance letter indicating that the sequence listing on the paper copy and the disk are one and the same.
- 15. X I hereby verify that the attached papers are a true copy of prior application Serial No.10/122,277 filed on April 12, 2002, that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.

Dec 12, 2003  
Date

  
\_\_\_\_\_  
Benjamin Aaron Adler, Ph.D., J.D.  
Registration No. 35,423  
Attorney for Applicant

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CERTIFICATE OF EXPRESS MAILING  
UNDER 37 CFR 1.10

I hereby certify that this divisional transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No. EV417704092US in an envelope addressed to: MS PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

DATE: Dec 12 2003

  
\_\_\_\_\_  
Benjamin Aaron Adler, Ph.D., J.D.

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